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APR 29 1929
CHARLES ELMORE CR

No. 54

In the Supreme Court of the United States

OCTOBER TERM, 1928

INTERSTATE COMMERCE COMMISSION, PETITIONER

v.

UNITED STATES OF AMERICA, AT THE RELATION OF THE CITY OF LOS ANGELES, A MUNICIPAL CORPORATION, RESPONDENT

WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

MOTION TO ADVANCE

DANIEL W. KNOWLTON,
For Interstate Commerce Commission.

U.S. GOVERNMENT PRINTING OFFICE: 1929

In the Supreme Court of the United States

OCTOBER TERM, 1928

No. 782

INTERSTATE COMMERCE COMMISSION, PETITIONER

v.

UNITED STATES OF AMERICA, AT THE RELATION OF THE City of Los Angeles, a Municipal Corporation, respondent

WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

MOTION TO ADVANCE

The Interstate Commerce Commission moves to advance the above-entitled cause for hearing during the next term of the court on a day convenient to the court.

As grounds for this motion it is shown:

Respondent, the City of Los Angeles, filed complaint with the Commission asking, in substance, that certain railroads serving said City be required to construct a union passenger station within the so-called Plaza area and to acquire the land necessary therefor, and that they be required and per-

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mitted to make such extensions and abandonments of lines and to arrange for such joint use of terminal track and facilities as might be necessary or incidental to the establishment of such union station. The Commission issued its certificates of public convenience and necessity authorizing the extensions and abandonments of lines and joint use of terminal track and facilities, but refused to order the carriers to construct the union station on the ground that it was without authority to make any such order.

Respondent filed a petition in the Supreme Court of the District of Columbia praying for a writ of mandamus to compel the Commission to consider the evidence in the proceedings before it for the purpose of determining whether it should issue an order requiring said railroads to construct such union station. The Commission filed an answer, to which a demurrer was filed by respondent. Said court entered judgment overruling the demurrer and dismissing the petition. The Court of Appeals reversed that judgment and remanded the cause.

In its petition for writ of certiorari, granted by this court on April 15, 1929, the Commission alleges that the Court of Appeals erred in holding that the Commission was clothed with authority to require the railroads to construct the union passenger station, and in construing the decision of this court in *R. R. Comm. of Calif.* v. *Southern Pac. Co.*, 264 U. S. 331, as supporting that holding.

The opinion and judgment of the Court of Appeals will result in other proceedings asking the Commission to require carriers to establish union stations, and the Commission should be promptly advised of its course.

Counsel for the City of Los Angeles authorizes the statement that he agrees an early hearing is desirable.

DANIEL W. KNOWLTON,
For Interstate Commerce Commission.

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